

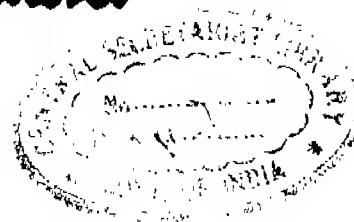


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 29] नई दिल्ली, शुक्रवार, नवम्बर 22, 1996 / अग्रहायण 1, 1918
No. 29] NEW DELHI, FRIDAY, NOVEMBER 22, 1996 / AGRAHAYANA 1, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd November, 1996:—

BILL No. 95 OF 1996

A Bill to provide for the establishment of permanent Benches of the High Court of Gujarat at Surat and Rajkot.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

1. This Act may be called the High Court of Gujarat (Establishment of Permanent Benches at Surat and Rajkot) Act, 1996.

Short title.

2. There shall be established permanent Benches of the High Court of Gujarat at Surat and Rajkot and such Judges of the High Court of Gujarat, being not less than three in number for each Bench, as the Chief Justice of that High Court may from time to time nominate, shall, in order to exercise the jurisdiction and power for the time being vested in that High Court,—

Establishment of permanent benches of High Court of Gujarat at Surat and Rajkot.

(a) sit at Surat in respect of cases arising in the districts of Bharuch, Surat, Valsad and Dangs; and

(b) sit at Rajkot in respect of cases arising in the districts of Rajkot, Saurashtra and Kutch.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for setting up of permanent Benches of the High Court of Gujarat at Surat and Rajkot. More than 6,000 cases have been pending in Gujarat High Court for a long time. Out of these many cases are pending for quite a long time.

It would be appropriate if Benches of the Gujarat High Court are established at Surat and Rajkot. People belonging to southern districts of Gujarat have to travel to Ahmedabad in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish Benches of the High Court of Gujarat at Surat and Rajkot.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 11, 1996.

KASHIRAM RANA

BILL NO. 86 OF 1996

A Bill to prohibit the slaughter of cow and its progeny.

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny;

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

- | | |
|---|----------------------------------|
| 1. This Act may be called the Ban on Cow Slaughter Act, 1996. | Short title. |
| 2. In this Act, unless the context otherwise requires, "Cow" includes a bull, bullock, ox, heifer or calf. | Definition |
| 3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place: | Prohibition of slaughter of cow. |
| Provided that killing of cow by accident or in self-defence will not be considered as slaughter under the Act. | |
| 4. No person shall sell or offer for sale or cause to be sold beef products in any form except for such medicinal purposes as may be prescribed. | Prohibition of sale of beef. |
| 5. Any person who slaughters a cow or is caught selling beef shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees ten thousand or with both. | Punishment. |

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its progeny must be saved with a view to provide milk, bullock power as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

NEW DELHI;
July 11, 1996.

KASHIRAM RANA

BILL NO. 90 OF 1996

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1996. Short title

C.O. 22

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XVI.- West Bengal, entries 11 to 38 shall be re-numbered as entries 12 to 39 respectively, and before entry 12 as so re-numbered, the entry "11 Deswalli Majhees" shall be inserted. Amendment of the schedule.

STATEMENT OF OBJECTS AND REASONS

The tribe Deswalli Majhees are Santhal descendants. The tribe was recognised as such in the year 1921. In the year 1941 Deswalli Majhees were declared as 'Tribes' and after that in the years 1952 and 1955 they were accepted as 'Santhal Descendants' and thus got benefits and legitimate dues guaranteed by the Government of India. Things changed from the year 1961 onwards. The tribe was denied all the facilities meant for the tribals and till today they have been suffering in many ways.

Therefore, to give them justice and in view of their economic, educational and social backwardness, it is proposed in the Bill that the Deswalli Majhees tribe be included in the list of Scheduled Tribes for the State of West Bengal.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 15, 1996.

BASUDEB ACHARIA

BILL NO. 83 OF 1996

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

CLAUSES

1. Short title and commencement.
2. Definitions.

PART II

LEGISLATIVE ASSEMBLY

3. Legislative Assembly and its composition.
4. Qualifications for membership of Legislative Assembly.
5. Duration of Legislative Assembly.
6. Session of Legislative Assembly, prorogation and dissolution.
7. Speaker and Deputy Speaker of Legislative Assembly.
8. Speaker or Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
9. Right of Lieutenant Governor to address and send message to Legislative Assembly.
10. Special address by the Lieutenant Governor.
11. Rights of Ministers as respects Legislative Assembly.
12. Oath or affirmation by members.
13. Voting in Legislative Assembly, power of Assembly to act notwithstanding vacancies and quorum.
14. Vacation of seats.
15. Disqualifications for membership.
16. Disqualification on ground of defection.
17. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.
18. Powers, privileges, etc. of members.
19. Salaries and allowances of members.
20. Exemption of property of the Union from taxation.
21. Restrictions on laws passed by Legislative Assembly with respect to certain matters.
22. Special provisions as to financial Bills.
23. Procedure as to lapsing of Bills.
24. Assent to Bills.

CLAUSES

25. Bills reserved for consideration.
26. Requirements as to sanction, etc.
27. Annual financial statement.

28. Procedure in Legislative Assembly with respect to estimates.
29. Appropriation Bills.
30. Supplementary, additional or excess grants.
31. Votes on accounts.
32. Authorisation of expenditure pending its sanction by Legislative Assembly.
33. Rules of procedure.
34. Official language or languages of the Union territory and language or languages to be used in Legislative Assembly.
35. Language to be used for Bills, Act, etc.
36. Restriction on discussion in the Legislative Assembly.
37. Courts not to inquire into proceedings of Legislative Assembly.

PART III

DELIMITATION OF CONSTITUENCIES

38. Election Commission to delimit constituencies.
39. Power of Election Commission to maintain delimitation orders upto date.
40. Elections to the Legislative Assembly.

PART IV

CERTAIN PROVISIONS RELATING TO LIEUTENANT GOVERNOR AND MINISTERS

41. Matters in which Lieutenant Governor to act in his discretion.
42. Advice by Ministers.
43. Other provisions as to Ministers.
44. Conduct of business.
45. Duties of Chief Minister as respects the furnishing of information, etc. to the Lieutenant Governor.

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

46. Consolidated Fund of the Union territory.
47. Contingency Fund of the Union territory.
48. Audit reports.
49. Relation of Lieutenant Governor and his Ministers to President.
50. Period of order made under article and approval thereof by Parliament.
51. Authorisation of expenditure by President.
52. Contracts and suits.
53. Power of President to remove difficulties.
54. Laying of Rules before Legislative Assembly.
55. Amendments to the Constitution.
56. Amendment of section 27A of Act 43 of 1950.

BILL NO. 83 OF 1996

A Bill to provide for the Creation of a Legislative Assembly and for the Union territory of Andaman and Nicobar Islands and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Government of Union Territory of Andaman and Nicobar Islands Act, 1996.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "article" means an article of the Constitution;

(b) "assembly constituency" means a constituency provided under this Act for the purpose of election to the Legislative Assembly;

(c) "Election Commission" means the Election Commission referred to in article 324;

(d) "Legislative Assembly" means the Legislative Assembly of the Union territory of Andaman and Nicobar Islands;

(e) "Scheduled Castes" in relation to the Union territory means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 of the Constitution to be Scheduled Castes in relation to that Union territory;

(f) "Scheduled Tribes" in relation to the Union territory means such tribes, races or parts of the groups within such tribes or races as are deemed under article 342 to be Scheduled Tribes in relation to the Union territory;

(g) "Union territory" means the Union territory of Andaman and Nicobar Islands.

PART II

LEGISLATIVE ASSEMBLY

Legislative
Assembly and
its composi-
tion.

3. (1) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from territorial constituencies shall be thirty.

(2) For the purposes of election to the Legislative Assembly, the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of Part III in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory.

(3) Seats shall be reserved for the Scheduled Tribes in the Legislative Assembly, and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Tribes in the Union territory bears to the total population of the Union Territory and the provisions of article 334 shall apply to such reservation.

***Explanation.*—In this section, the expression "population" means the population as ascertained in the last preceding census of which the relevant figures have been published:**

Provided that where such figures have not been published, then for the purposes of elections for the constitution of the first Legislative Assembly under this Act, the provisional figures of the population of the Union territory as published in relation to the 1991 census shall be deemed to be the population of the Union territory.

Qualifications
for member-
ship of
Legislative
Assembly.

4. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he—

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(b) is not less than twenty-five years of age; and

(c) possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

5. The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Duration of
Legislative
Assembly.

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

6. (1) The Lieutenant Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Session of
Legislative
Assembly,
prorogation
and dissolu-
tion.

(2) The Lieutenant Governor may, from time to time,—

(a) prorogue the Assembly;

(b) dissolve the Assembly.

7. (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

Speaker and
Deputy
Speaker of
Legislative
Assembly.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may, at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker resigned his office; and

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the Assembly, the Deputy Speaker, or if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly by law and until provision in that behalf is so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.

Speaker or Deputy Speaker not to preside while a resolution for his removal from office is under consideration.

8. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of sub-section (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 13, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

Right of Lt. Governor to address and send message of Legislative Assembly.

9. (1) The Lieutenant Governor may address the Legislative Assembly and for that purpose require the attendance of members.

(2) The Lieutenant Governor may send message to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise and when a message is so sent, the Assembly shall with all convenient despatch consider any matter required by the message to be taken into consideration.

Special address by the Lieutenant Governor.

10. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Lieutenant Governor shall address the Legislative Assembly and inform it of the causes of its summons.

(2) Provision shall be made by rules to be made by the Assembly regulating its procedure for the allotment of time for discussion of the matters referred to in such address.

Rights of Ministers as respects Legislative Assembly.

11. Every Minister shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly and to speak in and otherwise to take part in the proceedings of any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Oath or affirmation by member.

12. Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Lieutenant Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.

Voting in Legislative Assembly, power of Assembly to act notwithstanding vacancies and quorum.

13. (1) Save as otherwise provided in the Act, question at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly shall be one-third of the total number of members of the Assembly.

(5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

43 of 1951.

14. (1) No person shall be a member both of Parliament and of the Legislative Assembly and if a person is chosen a member both of Parliament and of such Assembly, then at the expiration of such period as is specified in or under the Representation of People Act, 1951, and the rules made by the President under clause (2) of article 101 and clause (2) of article 190, that person's seat in Parliament shall become vacant, unless he had previously resigned his seat in the Legislative Assembly.

Vacation of seats.

(2) If a member of the Legislative Assembly—

(a) becomes subject to any disqualification mentioned in section 15 or section 16 for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker and his resignation is accepted by the Speaker, his seat shall thereupon become vacant:

Provided that in the case of any resignation referred to clause (b), if from the information received or otherwise and after making such inquiry as he thinks fit, the Speaker is satisfied that such resignation is not voluntary or genuine he shall not accept such resignation.

(3) If for a period of sixty days a member of the Legislative Assembly is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

15. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly—

Disqualification for membership.

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of any other Union territory not to disqualify its holder; or

(b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b) sub-clause (c) or sub-clause (d) of clause (1) of article 102 or of any law made in pursuance of that article.

(2) For the purpose of the section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union territory by reason only that he is a Minister either for the Union or for such State or Union territory.

(3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

16. The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing reference therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly, section 12, section 18 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly as they apply to and in relation to the members of the Legislative Assembly of a State and accordingly:—

Disqualification on ground of defection.

(a) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and

(b) a person shall be disqualified for being a member of the Legislative Assembly if he is so disqualified under the said Tenth Schedule as so modified.

Penalty for sitting and voting before making oath of affirmation or when not qualified or when disqualified.

17. If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 12 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Powers, privileges, etc. of members.

18. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.

(2) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the people and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply, in relation to members of that Assembly.

Salaries and allowances of members.

19. Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time determined by the Legislative Assembly by law and until provision in that behalf is so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.

Exemption of property of the union from taxation.

20. The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly or by or under any other law in force in the Union territory:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within the Union territory from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as the tax continues to be levied in the Union territory.

Restrictions on laws passed by Legislative Assembly with respect to certain matters.

21. (1) The provisions of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

(2) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

Special provisions as to financial Bills.

22. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Lieutenant Governor if such bill or amendment makes provision for any of the following matters, namely:—

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Union territory;

(c) the appropriation of moneys out of the Consolidated Fund of the Union territory;

(d) the declaring of any expenditure to the expenditure charged on the Consolidated Fund of the Union territory or the increasing of the amount of any such expenditure;

(e) the receipt of money on account of the Consolidated Fund of the Union territory or the custody of such money:

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the Union territory shall not be passed by the Legislative Assembly unless the Lieutenant Governor has recommended to that Assembly the consideration of the Bill.

23. (1) A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly.

Procedure as to lapsing of Bills.

(2) A Bill which is pending in the Legislative Assembly shall lapse on a dissolution of the Assembly.

24. When a Bill has been passed by the Legislative Assembly it shall be presented to the Lieutenant Governor and the Lieutenant Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Assent to Bills.

Provided that the Lieutenant Governor may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Lieutenant Governor for assent, the Lieutenant Governor shall declare either that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Lieutenant Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which,—

(a) in the opinion of the Lieutenant Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(b) the President may, by order, direct to be reserved for his consideration; or

(c) relates to matter referred to in sub-section (5) of section 7 or section 19 or section 34 or sub-section (3) of section 43.

Explanation.—For the purposes of this section and section 25, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 22 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

Bills reserved
for considera-
tion.

25. When a Bill is reserved by the Lieutenant Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Lieutenant Governor to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 24 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment it shall be presented again to the President for his consideration.

Requirements
as to sanction,
etc.

26. No Act of the Legislative Assembly, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the Lieutenant Governor, or, on being reserved by the Lieutenant Governor for the consideration of the President, by the President.

Annual
financial
statement.

27. (1) The Lieutenant Governor shall in respect of every financial year cause to be laid before the Legislative Assembly, with the previous sanction of the President, a statement of the estimated receipts and expenditure of the Union territory for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union territory; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union territory and shall distinguish expenditure on revenue account from other expenditure.

(3) Notwithstanding anything contained in any law for the time being in force, the following expenditure shall be expenditure charged on the Consolidated Fund of the Union territory:

(a) the emoluments and allowances of the Lieutenant Governor and other expenditure relating to his office as determined by the President by general or special order;

(b) the charges payable in respect of loans advanced to the Union territory from the Consolidated Fund of India including interest, sinking fund charges and redemption charges and other expenditure connected therewith;

(c) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(d) any sums required to satisfy any judgement, decree or award of any court or arbitral tribunal;

(e) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly to be so charged.

Procedure in
Legislative
Assembly with
respect to
estimates.

28. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of the Union territory shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Lieutenant Governor.

29. (1) As soon as may be after the grants under section 28 have been made by the Legislative Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Union territory of all moneys required to meet—

Appropriation
Bills.

(a) the grants so made by the Assembly; and

(b) the expenditure charged on the Consolidated Fund of the Union territory but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the Union territory and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with provisions of this section.

30. (1) The Lieutenant Governor shall,—

Supplementary,
addition or ex-
cess grants.

(a) if the amount authorised by any law made in accordance with the provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Legislative Assembly, with the previous sanction of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly with such previous sanction a demand for such excess, as the case may be.

(2) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and any law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or grant.

31. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and the passing of the Law in accordance with the provisions of section 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the consolidated Fund of the Union territory for the purposes for which the said grant is made.

Votes on ac-
count.

(2) The provisions of sections 28 and 29 shall have effect in relation to the making of any grant under sub-section (1) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the

annual financial statement and the law to be made for the authorisation of appropriation of moneys, out of the Consolidated Fund of the Union territory to meet such expenditure.

Authorisation of expenditure pending its sanction by Legislative Assembly.

32. Notwithstanding anything in the foregoing provisions of this Part, the Lieutenant Governor may authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Consolidated Fund of the Union territory, pending the sanction of such expenditure by the Legislative Assembly.

Rules of procedure.

33. (1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Lieutenant Governor shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(a) for securing the timely completion of financial business;

(b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Union territory;

(c) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Lieutenant Governor in so far as he is required by or under this Act or any law to act in his discretion.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Lieutenant Governor.

Official language or languages of the Union territory and language or languages to be used in Legislative Assembly.

34. (1) The Legislative Assembly may by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union territory:

Provided that the President may by order direct—

(i) that the official language of the Union shall be adopted for such of the official purposes of the Union territory as may be specified in the order;

(ii) that any other language shall also be adopted throughout the Union territory or such part thereof for such of the official purposes of the Union territory as may be specified in the order, if the President is satisfied that a substantial proportion of the population of the Union territory desires the use of that other language for all or any of such purposes.

(2) The business in the Legislative Assembly shall be transacted in the official language or languages of the Union territory or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or the person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid, to address the Assembly in his mother-tongue.

Language to be used for Bills, Acts, etc.

35. Notwithstanding anything contained in section 34, until Parliament by law otherwise provides, the authoritative texts—

(a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly;

(b) of all Acts passed by the Legislative Assembly; and

(c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly,

shall be in English language:

Provided that where the Legislative Assembly has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly, a translation of the same in the English language published under the authority of the Lieutenant Governor in the official Gazette shall be deemed to be the authoritative text thereof in the English language.

36. No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of duties.

Restrictions on discussion in the Legislative Assembly.

37. (1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

Courts not to inquire into proceedings of Legislative Assembly.

(2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

DELIMITATION OF CONSTITUENCIES

38. (1) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly under section 3 to single-member territorial constituencies and delimit them having regard to the following provisions, namely:—

Election Commission to delimit constituencies

(a) all constituencies shall, as far as practicable, be delimited in such manner that the ratio between the population of each of such constituencies and the total population of the Union territory is the same; and

(b) constituencies in which seats are reserved for the Scheduled Castes/Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is comparatively large.

(2) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies in the official Gazette and also in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, finalise delimitation of constituencies and cause such order or orders to be published in the official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

39. The Election Commission may, from time to time, by notification in the official Gazette,—

(a) correct any printing mistakes in any order made under section 38 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up to date.

Power of Election Commission to maintain delimitations orders upto date.

Election to the
Legislative As-
sembly.

40. (1) For the purpose of constituting the Legislative Assembly, a general election will be held as soon as may be after the delimitation of all the assembly constituencies under section 38.

(2) For the purpose of sub-section (1), the Lieutenant Governor shall, by one or more notifications published in the official Gazette, call upon all the said assembly constituencies to elect members in accordance with the provisions of the Representation of the People Act, 1951 and of the rules and orders made or issued thereunder as applicable under sub-section (3).

(3) The Representation of the People Act, 1950, the Representation of the People Act, 1951 the rules and orders made or issued under the said Acts and all other laws for the time being in force relating to the elections shall apply with necessary modifications (including modifications for construing references therein to a State, State Government and Governor as including references to the Union territory, Government of the Union territory and Lieutenant Governor, respectively) to, and in relation to, the general election referred to in sub-section (1).

43 of 1995.
43 of 1951.

PART IV

CERTAIN PROVISIONS RELATING TO LIEUTENANT GOVERNOR AND MINISTERS

Matters in
which Lieuten-
ant Governor to
act in his discre-
tion.

41. (1) The Lieutenant Governor shall act in his discretion in a matter—

(i) which falls outside the purview of the powers conferred on the Legislative Assembly but in respect of which powers or functions are entrusted or delegated to him by the President; or

(ii) in which he is required by or under any law to act in his discretion or to exercise any judicial or quasi-judicial functions.

(2) If any question arises as to whether any matter is or is not a matter as respects which the Lieutenant Governor is by or under any law required to act in his discretion, the decision of the Lieutenant Governor thereon shall be final.

(3) if any question arises as to whether any matter is or is not a matter as respects which the Lieutenant Governor is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Lieutenant Governor thereon shall be final.

Advice by
Ministers.

42. The question whether any, and if so, what, advice was tendered by Ministers to the Lieutenant Governor shall not be inquired into in any court.

Other provi-
sions as to
Ministers.

43. (1) Before a Minister enters upon his office, the Lieutenant Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

(2) A Minister who, for any period of six consecutive months, is not a member of the Legislative Assembly, at the expiration of that period, shall cease to be a Minister.

(3) The salaries and allowances of Ministers shall be such as the Legislative Assembly may from time to time by law determine and until the Legislative Assembly so determines, shall be determined by the Lieutenant Governor with the approval of the President.

Conduct of
business.

44. (1) The President shall make rules—

(a) for the allocation of business to the Ministers in so far as it is business with respect to which the Lieutenant Governor is required to act on the aid and advice of his Council of Ministers; and

(b) for the more convenient transaction of business with the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Lieutenant Governor and the Council of Ministers or a Minister.

(2) Save as otherwise provided in this Act, all executive action of the Lieutenant Governor whether taken on the advice of his Ministers or otherwise shall be expressed to be taken in the name of the Lieutenant Governor.

(3) Orders and other instruments made and executed in the name of the Lieutenant Governor shall be authenticated in such manner as may be specified in rules to be made by the Lieutenant Governor and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Lieutenant Governor.

45. It shall be the duty of the Chief Minister—

(a) to communicate to the Lieutenant Governor all decisions of Council of Ministers relating to the administration of the affairs of the Union territory and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of the Union territory and proposals for legislation as Lieutenant Governor may call for; and

(c) if the Lieutenant Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Duties of Chief Minister as respects the furnishing of information, etc. to the Lieutenant Governor.

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

46. (1) As from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, all revenues received in the Union territory by the Government of India or the Lieutenant Governor in relation to any matter with respect to which the Legislative Assembly has power to make laws, and all grants made and all loans advanced to the Union territory from the Consolidated Fund of India and all moneys received by the Union territory in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the Union territory of Andaman and Nicobar Islands" (referred to in this Act as the Consolidated Fund of the Union territory).

Consolidated Fund of the Union territory.

(2) No moneys out of the Consolidated Fund of the Union territory shall be appropriated except in accordance with and for the purposes and in the manner provided in this Act.

(3) The custody of the Consolidated Fund of the Union territory, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Lieutenant Governor with the approval of the President.

47. (1) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the Union territory of Andaman and Nicobar Islands" into which shall be paid from and out of the Consolidated Fund of the Union territory such sums as may, from time to time be determined by law made by the Legislative Assembly; and the said Fund shall be held by the Lieutenant Governor to enable advances to be made by him out of such Fund.

Contingency Fund of the Union territory.

(2) No advances shall be made out of the Contingency Fund referred to in sub-section (1) except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly under appropriation made by law.

(3) The Lieutenant Governor may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys in to, and the withdrawal of moneys from the aforesaid Contingency Fund.

48. The reports of the Comptroller and Auditor-General of India relating to the accounts of the Union territory for any period subsequent to the date referred to in sub-section (1) of section 46 shall be submitted to the Lieutenant Governor who shall cause them to be laid before the Legislative Assembly.

Audit reports.

Relation of Lieutenant Governor and his Ministers to President.
Period of order made under article 239AB and approval thereof by Parliament.

49. Notwithstanding anything in this Act, the Lieutenant Governor and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

50. (1) Every order made by the President under article 239AB shall expire at the end of one year from the date of issue of the order and the provisions of clauses (2) and (3) of article 356 shall, so far as may be, apply to such order as they apply to a Proclamation issued under clause (1) of article 356.

(2) Notwithstanding anything contained in sub-section (1), the President may extend the duration of the aforesaid order for a further period not exceeding two years from the date of expiry of the order under sub-section (1) subject to the condition that every extension of the said order for any period beyond the expiration of one year shall be approved by resolutions of both Houses of Parliament.

Authorisation of expenditure by President.

51. Where the Legislative Assembly is dissolved or its functioning as such Assembly remains suspended, on account of an order made by the President under article 239AB, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the Union territory pending the sanction of such expenditure by Parliament.

Contracts and suits.

52. For the removal of doubts it is hereby declared that—

(a) all contracts in connection with the administration of the Union territory are contracts made in the exercise of the executive power of the Union; and

(b) all suits and proceedings in connection with the administration of the Union territory shall be instituted by or against the Government of India.

Power of President to remove difficulties.

53. (1) If any difficulty arises in relation to the transaction from the provisions of any law repealed by the Act or in giving effect to the provisions of this Act and in particular in relation to the constitution of the Legislative Assembly, the President may by order do anything not inconsistent with the provisions of the Constitution or of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order under the sub-section shall be made after the expiry of three years from the date of constitution of the first Legislative Assembly.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

Laying of Rules before Legislative Assembly.
Amendments to the Constitution.

54. Every rule made by the Lieutenant Governor under this Act shall be laid, as soon as it is made, before the Legislative Assembly.

Special Provision with respect to Andaman and Nicobar Islands.

55. On and from the appointed day—

(a) after article 239AA, the following article shall be inserted, namely:—

“239AAA. (1) As from the date of commencement of the Government of Union territory of Andaman and Nicobar Islands Act, 1996 the administrator of the Union territory of Andaman and Nicobar Islands appointed under article 239 shall be designated as the Lieutenant Governor.

(2) The provisions of articles 239AA and 239AB shall, so far as may be, apply *mutatis mutandis* in relation to the Union territory of Andaman and Nicobar Islands, Lieutenant Governor and the Legislative Assembly, as they apply in relation to the National Capital Territory of Delhi and its Legislature, respectively.”;

(b) in article 240, in clause (1) for the existing proviso, the following provisos shall be substituted, namely:—

“Provided that when any body is created under article 239A or 239AAA to function as a Legislature for the Union territory of Pondicherry or Union territory of Andaman and Nicobar Islands, as the case may be, the President shall not made any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature;

Provided further that whenever the body functioning as a Legislature for the Union territory of Pondicherry or Andaman and Nicobar Islands, as the case may be, is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A or 239AB, as the case may be, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union Territory."

(c) In the Fourth Schedule to the Constitution, in the Table—

(a) entries 26 and 27 shall be re-numbered as entries 27 and 28 respectively, and before entry 27 as so re-numbered, the following entry shall be inserted, namely:—

"26. Andaman and Nicobar Islands....1";

(b) for the figures "233", the figures "234" shall be substituted.

56. In section 27A of the Representation of People Act, 1950, after sub-section (4), the following sub-section shall be inserted namely:—

Amendment of
section 27A of
Act 43 of 1950.

"(5) The electoral college for the Union Territory of Andaman and Nicobar Islands shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union Territory of Andaman and Nicobar Islands Act, 1996.

THE SCHEDULE

(See sections 4, 12 and 43)

FORMS OF OATH OR AFFIRMATIONS

I

Form of oath or affirmation to be made by a candidate for election to the Legislative Assembly:—

"I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

Form of oath or affirmation to be made by a member of the Legislative Assembly:—

"I, A.B., having been elected a member of the Legislative Assembly, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

Form of oath of office of a member of the Council of Ministers:—

"I, A.B., do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

Form of Oath of Secrecy for a member of the Council of Ministers:—

"I, A.B., do swear solemnly affirm in the name of God that I will not directly solemnly affirm or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister except as may be required for the due discharge of any duties as such Minister."

STATEMENT OF OBJECTS AND REASONS

Even after 49 years of Independence, the Union territory of Andaman and Nicobar Islands has not been provided with a democratic set-up with a Legislative Assembly for the governance of the affairs of the Union territory Administration. All powers are vested in the Lieutenant Governor and the bureaucracy continues to reign supreme. In the absence of a Legislative Assembly with devolution of powers, the people of the Islands are not enabled to have a sense of belonging and involvement in the developmental activities of the Islands and do not have a say in the utilisation of the funds provided by the Central Government in proper perspective.

The type of Pradesh Council provided to the Union territory with members indirectly elected from panchayats and a single municipality with no powers is not at all befitting to a democratic set-up and devolution of powers. However, the functioning of the Pradesh Council for the last twelve years since its formation in the year 1981 has set the background for constitution of a Legislative Assembly on the pattern of Pondicherry or Delhi. The population of the Union territory has crossed three-lakh mark and the literacy percentage is more than 81 per cent and heading towards achieving cent per cent literacy as prescribed by the Government of India.

There have been series of demands from the people of the Union territory for providing a Legislative Assembly atleast with limited powers. The Island Development Authority had agreed in principle to constitute a Legislative Assembly for the Islands. The Estimates Committee of the Parliament had also recommended for the constitution of a Legislative Assembly for the Union territory. Now, since a three-tier Panchayati Raj system is also in the offing in pursuance of the Constitution (Seventy-third) Amendment Act with the idea of devolution of powers at panchayat, block and district levels, it is high time that a Legislative Assembly was provided to set the tone and direction for the governance of the Union territory Administration on democratic norms.

The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
July 15, 1996

BASUDEB ACHARIA

BILL No. 94 OF 1996

A Bill to provide for the prevention and control of spread of Acquired Immuno Deficiency Syndrome.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Acquired Immuno Deficiency Syndrome (Preventive Measures) Act, 1996.

Short title,
extent and co-
mmencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "AIDS" means Acquired Immuno Deficiency Syndrome resulting from the presence of Human Immuno Deficiency Virus (HIV) antibodies or antigens in the body of a person;

(b) "appropriate Government" means the Central Government or the State Government, as the case may be;

(c) "blood bank" means a place where blood donated or sold by human beings is stored: and

(d) "HIV test" means the serological procedure followed for detection of Human Immuno Deficiency Virus (HIV) antibodies or antigens in the body of a person.

Appointment
of designated
AIDS Controlling
Authority.

3. (1) The appropriate Government shall, by notification in the Official Gazette, appoint such person or authority, as it may deem fit, as the designated AIDS Controlling Authority.

(2) The designated AIDS Controlling Authority shall perform the following functions, namely:—

(a) to grant licence to the blood banks;

(b) to check, from time to time, that the blood banks are well-equipped and well-manned for conducting HIV tests; and

(c) such other functions, as may be entrusted to it, by the appropriate Government.

Licence for
blood banks.

4. (1) No blood bank shall operate unless it has been granted a licence by the designated AIDS Controlling Authority:

Provided that before issuing a licence under this section, the designated AIDS Controlling Authority shall satisfy itself that the blood bank is well-equipped and well-manned for conducting HIV tests.

(2) If at any time after the licence is granted, it is found that the blood bank is violating the conditions on which the licence was granted, the licence shall be liable to be withdrawn.

Publicity to ill
effects of
AIDS.

5. The appropriate Government shall give wide publicity to the ill effects of AIDS and inform the general public about such measures, as it may deem fit, to control and prevent the spread of AIDS.

Ban on use of
non-disposable
syringes.

6. No person shall, on and from the date of commencement of this Act, use non-disposable syringes for the purpose of—

(a) injecting any medicine in human body; and

(b) taking out blood for conducting any pathological test.

Disposable Sy-
ringes to be de-
stroyed after
single use.

7. The appropriate Government shall take such steps, as it may deem fit, in order to ensure that the disposable syringes are destroyed after single use.

Punishment.

8. Any person—

(a) who violates the provisions of section 4 shall be punished with a fine which shall not be less than rupees one thousand and with imprisonment for a term which shall not be less than six-months;

(b) who violates the provisions of section 6 shall be punished with fine which shall not be less than rupees one thousand.

STATEMENT OF OBJECTS AND REASONS

According to experts the silent invasion of AIDS has already begun in India. Immediate measures are required to check and control the spread of this fatal disease. There are three main channels through which the HIV virus passes from one body to another. Firstly, by transfusion of blood containing HIV virus; secondly, by unsafe sex, and thirdly, by use of non-disposable syringes. Therefore, in order to prevent the spread of AIDS, the blood in blood bank should be free from HIV virus. Condoms should be used to check the spread of HIV virus. It will also serve the additional purpose of birth control. This practice has successfully been practised in Japan. Use of disposable syringes will also help in controlling the spread of HIV virus from the body of an infected person to the body of a healthy person.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 15, 1996

BASUDEB ACHARIA

BILL NO. 93 OF 1996

A Bill further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1996.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Amendment of
section 11.

2. In Sub-section (1) of section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), for the words, figures and brackets “at the date of publication of the notification under section 4, sub-section (1)”, the words “at the date of acquisition” shall be substituted. 1 of 1894

Amendment of
section 23.

3. In section 23 of the principal Act, in sub-section (1), for the words, figures and brackets “at the date of the publication of the notification under section 4, sub-section (1)”, the words “at the date of the acquisition” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 23 of the Land Acquisition Act, 1894, enjoins that in determining the amount of compensation for land to be acquired under the Act, the Court shall take into account the market value of land on the date of publication of notification under section 4 of the Act. When the intervening period between the date of notification and the date of acquisition is long, the compensation which the owner is entitled to is wholly insufficient to buy an equivalent area of land with similar advantages. Our aim should be to pay a fair and reasonable price for land to be acquired. To pay a price much below the market price prevailing on the date of acquisition is undoubtedly unfair and unreasonable. The Law Commission has also recommended that as far as possible everyone who is deprived of his property by compulsory acquisition should be awarded a compensation so as to place him in substantially the same position in which he was before the acquisition.

Hence the Bill.

NEW DELHI;
July 22, 1996.

KASHIRAM RANA

BILL NO. 96 OF 1996

A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title,
extent and com-
mencement.

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1996.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of
section 2.

2. In the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act), in section 2, for clause (xviii), the following clause shall be substituted, namely:—

61 of 1985

“(xviii) ‘poppy straw’ means all parts (except the seeds, the leaves and the stems) of the opium poppy after juice has been extracted therefrom;”.

Amendment of
section 15.

3. In section 15 of the principal Act,—

- (i) for the words “which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees”, the words “which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but

which may extend to twenty-five thousand rupees" shall be substituted;

(ii) in the proviso, for the words "two lakh rupees", the words "twenty-five thousand rupees" shall be substituted; and

(iii) after the existing proviso, the following shall be inserted, namely:—

"Provided further that no person who has been issued a licence for cultivation of the opium poppy shall be punished if, after harvesting, he possesses either the leaves or the stem of the opium poppy."

4. In section 18 of the principal Act:—

Amendment of
section 18.

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted; and

(ii) in the proviso, for the words "two lakh rupees" the words "twenty-five thousand rupees" shall be substituted.

5. In section 19 of the principal Act,—

Amendment of
section 19.

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted; and

(ii) in the proviso, for the words "two lakh rupees", the words "twenty-five thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The cultivators of opium poppy plant, after extraction of the juice, keep poppy straw which includes leaves and stems, until it is sold. The existing definition of "poppy straw" in the Narcotic Drugs and Psychotropic Substances Act, 1985, includes such leaves and stems. This definition needs to be amended so that the cultivators are not harassed by the enforcement authorities.

Punishment prescribed for contravention of the provisions of the Act in relation to poppy straw, opium, opium poppy and for embezzlement of opium by cultivators is excessive. It is, therefore, necessary to reduce the extent of punishment prescribed so as to make it realistic and also to facilitate implementation of the provisions of the Act by the enforcement authorities and the courts.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 1, 1996.

LAXMINARAYAN PANDEY

BILL NO. 77 OF 1996

A Bill to provide for the establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court of Madhya Pradesh (Establishment of a permanent Bench at Bhopal) Act, 1996.

Short title.

2. There shall be established a permanent Bench of the High Court of Madhya Pradesh at Bhopal and such number of Judges of the High Court of Madhya Pradesh as may be nominated, shall sit at Bhopal in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bhopal, Vidisha, Rajgarh and Sehore.

Establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for the setting up of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

Bhopal is connected with the prominent parts of Madhya Pradesh by rail, road and air services. All types of facilities like transport, communication, etc. are available here. In the interest of administration of cheap justice and for the convenience of the people of Bhopal and its neighbouring districts, it is necessary that a Bench of the High Court of Madhya Pradesh be established at Bhopal.

The Bill seeks to achieve the above objective.

NEW DELHI;
August 1, 1996

LAXMINARAIN PANDEY

BILL No. 107 OF 1996

A Bill to provide for prohibition of child labour and to make arrangements for their education, rehabilitation and welfare.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour (Prohibition and Welfare) Act, 1996.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) it shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means the Central Government or the State Government, as the case may be;

(b) 'child labourer' means a child who is below the age of eighteen years of age and who makes out his living as a domestic servant or is engaged in agriculture, factory, shop, establishment, hotel, transport industry or is engaged in collecting and selling garbage.

3. Child labour in all its forms is hereby prohibited.

Prohibition of
child labour.

Children are not to be forced to work.

4. No person, including the parent or guardian of a child, shall force any child to work as a child labourer.

Child labourers to be sent to rehabilitation centres.

5. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of the Police to take into their custody all child labourers under their jurisdiction and hand them over to the rehabilitation centres set up under section 7.

Districtwise register of child labourers.

6. The appropriate Government shall maintain a register in each district to keep record of the total number of child labourers in that district.

Setting up of rehabilitation centres.

7. (1) For the purposes of this Act, the appropriate Government shall set up child labour rehabilitation centres at appropriate places in each district.

(2) The appropriate Government shall provide the following facilities to all child labourers brought to the rehabilitation centres:—

(i) food, clothes and other articles of daily use free of charge;

(ii) free library facilities;

(iii) such other facilities as may be prescribed from time to time.

(3) The appropriate Government shall appoint such number of officers and staff required for rehabilitation centres.

Schools and training centres for child labourers.

8. (1) The appropriate Government shall open schools including technical schools and vocational institutions to impart free education and training to child labourers.

(2) The appropriate Government shall provide reservation in admission to colleges and other institutions of higher education for child labourers.

Financial assistance to child labourers.

9. The appropriate Government shall provide financial assistance to child labourers at such rate and in such manner as may be prescribed so as to enable them to pursue their education and training.

Duty of parents and guardian to send child labourers to school or training centres.

10. (1) It shall be the duty of every parent or guardian to send his child whether or not he is engaged as a child labour to school or vocational training centre.

(2) Any parent or guardian who fails to comply with the provision of sub-section (1), shall be served with a notice at least twice.

(3) Any parent or guardian who is found guilty of violating the provision of sub-section (1), even after the service of notice under sub-section (2), shall be punished with imprisonment for a term not exceeding one year.

Employment for trained child labourers.

11. It shall be the responsibility of the appropriate Government to provide employment to trained child labourers, who have attained majority, in Government service or vocational institutions in accordance with their educational qualifications and training.

Establishment of Child Labour Welfare Fund.

12. (1) The Central Government shall establish a Child Labour Welfare Fund to carry out the provisions of this Act.

(2) The fund shall consist of contributions made by the Central Government and the State Governments in such ratio as may be prescribed and the contributions or donations made by voluntary or other organisations.

(3) The Child Labour Welfare Fund shall be managed and operated by the Central Government in such manner as may be prescribed.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Millions of children all over the country are working as labourers in hotels, factories, etc. Many children are engaged in houses as domestic helps or can be seen collecting garbage. Many parents, on account of their poor economic conditions, force their children to take up such jobs so that they can supplement the family income. Under compelling circumstances the children are forced to engage themselves in doing such menial jobs and thus are forced to lead a miserable life.

Article 41 of the Constitution provides that the State shall make effective provision for securing right to education. Article 45 provides for free and compulsory education for all children until they complete the age of 14 years. But the fact is that millions of children are spending their childhood as child labourers and are being deprived of the opportunity of utilising their talent, strength and skills for the welfare of the country. Such children if properly educated can also make significant contribution as scientists, officers, political leaders, etc. In a welfare State like ours it is the duty of the State to provide nutritious food and other facilities to the children so that they can be groomed into being good citizens.

Therefore, it is imperative that prohibition should be imposed on the employment of children as labourers. The children who are working as labourers should be provided with free and compulsory education including technical education. They should also be provided with suitable jobs once they finish their education and training. It should be made the duty of the parents and guardians to see that their children get the education. At the same time punishment should also be provided to such parents/guardians who do not extend their cooperation for it.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 12, 1996.

RAMASHRAY PRASAD SINGH

BILL NO. 103 OF 1996

A Bill to provide for the establishment of a permanent Bench of the High Court of Madhya Pradesh at Raipur.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court of Madhya Pradesh (Establishment of a permanent Bench at Raipur) Act, 1996. Short title.

2. There shall be established a permanent Bench of the High Court of Madhya Pradesh at Raipur and such number of Judges of the High Court of Madhya Pradesh, being not less than three in number, as the Chief Justice of the High Court may from time to time nominate, shall sit at Raipur in order to exercise the jurisdiction and power for the time being vested in the High Court in respect of cases arising in the districts of Raipur, Bilaspur and Jagdalpur. Establish-ment of a permanent Bench of the High Court of Madhya Pradesh at Raipur.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for the setting up of a permanent Bench of the High Court of Madhya Pradesh at Raipur.

Raipur is connected with the prominent parts of the State of Madhya Pradesh by rail, road and air services. All types of facilities like transport, communication, etc. are available here. In the interest of administration of cheap and quick justice and for the convenience of the people of Chattisgarh area, which includes Raipur and its neighbouring districts, it is necessary that a Bench of the High Court of Madhya Pradesh be established at Raipur.

The Bill seeks to achieve the above objective.

NEW DELHI;
August 27, 1996

LAXMINARAIN PANDEY

BILL NO. 106 OF 1996

*A Bill to provide for the establishment of a permanent Bench of the High Court at
Allahabad at Bareilly.*

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Bareilly) Act, 1996.

Short title.

2. There shall be established a permanent Bench of the High Court at Allahabad at Bareilly and such Judges of the High Court at Allahabad, being not less than three in number as the Chief Justice of that High Court may from time to time nominate, shall sit at Bareilly in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bareilly, Pilibhit, Badaun, Rampur, Moradabad, Shahjahanpur, Udham Singh Nagar and Nainital.

Establishment of a permanent Bench of High Court at Allahabad at Bareilly

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for setting up of a permanent Bench of the High Court at Allahabad in western Uttar Pradesh. More than 35,000 cases have been pending in Allahabad High Court for quite a long time.

Bareilly city is a prominent central place in western Uttar Pradesh where modern communication and transport facilities are available. At present, the people belonging to the districts of western Uttar Pradesh have to travel to Allahabad in connection with their cases. It is a time consuming and costly affair. In the interest of cheap and speedy justice and convenience of the litigant public, it is necessary to establish a permanent Bench of the High Court at Allahabad at Bareilly.

The Jaswant Singh Commission, appointed to go into issues regarding establishment of Benches of various High Courts, had recommended that a Bench of the High Court at Allahabad be established in western Uttar Pradesh.

The Bill seeks to achieve the above objective.

NEW DELHI;
September 10, 1996.

SANTOSH KUMAR GANGWAR

S. GOPALAN
Secretary-General.